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13. (4 times amended) A disposable article comprising:

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- A) a liquid impervious backsheet;
  - B) a liquid pervious, hydrophilic topsheet joined to said backsheet, said topsheet having an inner surface oriented toward an interior of said article and an outer surface oriented toward the skin of a wearer when said article is being worn, wherein at least a portion of said topsheet outer surface comprises an effective amount to reduce adherence of bowel movements to the skin of the wearer of a lotion coating which is semi-solid or solid at 20°C and which is partially transferable to the wearer's skin, said lotion coating comprising:
    - (i) from about 10 to about 95% of a substantially water free emollient having a plastic or fluid consistency at 20°C and comprising a member selected from the group consisting of petroleum-based emollients, fatty acid ester emollients, alkyl ethoxylate emollients, and mixtures thereof;
    - (ii) from about 5 to about 90% of an agent capable of immobilizing said emollient on said outer surface of the topsheet, wherein said immobilizing agent has a melting point of at least about 35°C; and
  - C) an absorbent core positioned between said topsheet and said backsheet;

wherein the lotion is applied to the liquid pervious topsheet in a predetermined pattern such that macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99%.

16. The disposable article of Claim 13 wherein the percent open area of the topsheet is from about 5% to about 95%.

#### REMARKS

On March 21, 2001, Applicants verbally presented the attached amendments in a telephonic interview and received a favorable response from the Examiner. Applicants wish to thank the Examiner for granting the interview and thus expediting prosecution of the present application.

Claims 2, 3, 8, 14, and 15 have been deleted. The subject matter of Claim 8 is being pursued in a divisional application filed on March 22, 2001. Claims 1 and 13 have been amended to include the limitation that "macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99%" and to delete a previously added limitation which Applicants believe was not furthering prosecution. Antecedent basis for the added matter was in Claims 2, 3, 14, 15; and/or page 27, lines 5-7. Claims 1 and 13 were also amended by expressly stating the purpose of the effective amount of lotion (basis found at page 13, lines 11-13) and to fix

improper use of the word "the". Claims 4 and 16 have also been amended to correct dependency in light of the present amendments. No new matter has been added by these amendments.

### 35 USC 112

The Examiner rejects Claims 1, 4-7, 9-13, and 16-26 as being indefinite for the following reasons:

The Examiner pointed out that in Claims 1 and 13, no antecedent basis for "the interior" and "the wearer" exists. Applicants have amended said claims to refer to "an interior" and "a wearer".

The Examiner stated that the term "effective amount" is indefinite because the result that the effective amount is to accomplish is not defined nor stated. Page 13, lines 11-13 does define the phrase "effective amount" as required, but in an effort to expedite prosecution, Applicants have also added this definition to Claims 1 and 13.

The Examiner states that it is not clear what is meant by "open area" in Claims 4-7, 16-17 as the definition references a "crotch region" and the Examiner states there is no guidance or way to determine what the crotch region is. Applicants direct the Examiner's attention to page 26, lines 6-21 where the "crotch region" is clearly defined. Applicants submit that this definition of "crotch region" combined with the definition of "open area" found at page 27, lines 1-5 renders the use of the phrase "open area" definite.

Thus, Applicants believe each 112 rejection has been fully addressed and respectfully request withdrawal of the rejections.

### 35 USC 102

The Examiner rejects Claims 1, 4-7, 9-13, and 16-22 as being anticipated by Duncan et al. The Examiner suggests that Duncan discloses that the topsheet has multiple discrete droplets of a lotion composition which form a pattern. Applicants submit that each of the present claims recites the requirement that "macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99%." Applicants submit that this limitation is not present in Duncan and therefore, all material elements of the present claims are not met by Duncan. Therefore, Applicants respectfully request withdrawal of this basis of rejection.

### 35 USC 103

The Examiner rejects Claims 1, 4-7, 9-13, and 16-26 as being obvious over Duncan in view of Buchalter. The Examiner suggests that Duncan discloses that the topsheet has multiple discrete droplets of a lotion composition which form a pattern. The Examiner states that Duncan does not disclose the use of the specific lotions claimed. The Examiner cites Buchalter as disclosing an oil phase impregnated alleging that the oil phase is similar to the specific lotion compositions claimed by Applicants in the present application. The Examiner states that it would have been obvious to one of ordinary skill in the art to use the skin care composition of Buchalter on the diaper of Duncan. Applicants submit that combining the teachings of Duncan with those of Buchalter would not result

in the *presently* claimed articles wherein "macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99%". Applicants submit that neither reference teaches nor suggests the above-mentioned claim limitation, which is now present in each pending claim. Thus, a prima facie case of obviousness has not been met (*see* MPEP 706.02(j) which requires that the prior art references teach or suggest all of the claim limitations). Therefore, Applicants respectfully request the Examiner withdraw the present 103 rejections.

Attached hereto is a marked-up version of the changes made to Claims 1, 4, 13, and 16 by the current amendment. The attached page is captioned "Version with markings to show changes made."

Reconsideration of this application in view of the accompanying remarks and amendments, and allowance of the claims are respectfully requested.

Respectfully submitted,  
FOR: ROE ET AL.

By Kirsten K Stone  
Kirsten K. Stone  
Attorney for Applicant(s)  
Registration No. 42,129  
(513)626-1159

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The Procter & Gamble Company  
Sharon Woods Technical Center  
11450 Grooms Road – Box C-18  
Cincinnati, OH 45242

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 2, 3, 8, 14, and 15 have been deleted.

Claims 1, 4, 13, and 16 have been amended as follows:

1. (4 times amended) A disposable article comprising:

A) a liquid impervious backsheet;

D) a liquid pervious, hydrophilic topsheet joined to said backsheet, said topsheet having an inner surface oriented toward an [the] interior of said article and an outer surface oriented toward the skin of a [the] wearer when said article is being worn, wherein at least a portion of said topsheet outer surface comprises an effective amount to reduce adherence of bowel movements to the skin of the wearer of a lotion coating which is semi-solid or solid at 20°C and which is partially transferable to the wearer's skin; and

E) an absorbent core positioned between said topsheet and said backsheet;

wherein the lotion is applied to the liquid pervious topsheet in a predetermined pattern such that macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99% [varying an element selected from the group consisting of amount, location, distribution, and combinations thereof].

4. (Amended) The disposable article of Claim 1 [3] wherein the percent open area of the topsheet is from about 5% to about 95%.

13. (4 times amended) A disposable article comprising:

A) a liquid impervious backsheet;

B) a liquid pervious, hydrophilic topsheet joined to said backsheet, said topsheet having an inner surface oriented toward an [the] interior of said article and an outer surface oriented toward the skin of a [the] wearer when said article is being worn, wherein at least a portion of said topsheet outer surface comprises an effective amount to reduce adherence of bowel movements to the skin of the wearer of a lotion coating which is semi-solid or solid at 20°C and which is partially transferable to the wearer's skin, said lotion coating comprising:

(i) from about 10 to about 95% of a substantially water free emollient having a plastic or fluid consistency at 20°C and comprising a member selected from the group consisting of petroleum-based emollients, fatty acid ester emollients, alkyl ethoxylate emollients, and mixtures thereof;

- (ii) from about 5 to about 90% of an agent capable of immobilizing said emollient on said outer surface of the topsheet, wherein said immobilizing agent has a melting point of at least about 35°C; and

D) an absorbent core positioned between said topsheet and said backsheet;

wherein the lotion is applied to the liquid pervious topsheet in a predetermined pattern such that macroscopic regions of the topsheet are untreated and the topsheet has a percent open area of from about 5% to about 99% [varying an element selected from the group consisting of amount, location, distribution, and combinations thereof].

16. (Amended) The disposable article of Claim 13 [15] wherein the percent open area of the topsheet is from about 5% to about 95%.